

A bill to amend 1991 PA 179, entitled
"Michigan telecommunications act,"
by amending sections 102 and 304b (MCL 484.2102 and 484.2304b),
section 102 as amended and section 304b as added by 1995 PA 216.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 102. As used in this act:

2 (a) "Access service" means access to a local exchange net-
3 work for the purpose of enabling a provider to originate or ter-
4 minate telecommunication services within the local exchange.

5 Except for end-user common line services, access service does not
6 include access service to a person who is not a provider.

7 (b) "Basic local exchange service" or "local exchange
8 service" means the provision of an access line and usage within a
9 local calling area for the transmission of high-quality 2-way
10 interactive switched voice or data communication.

1 (c) "Cable service" means 1-way transmission to subscribers
2 of video programming or other programming services and subscriber
3 interaction for the selection of video programming or other pro-
4 gramming services.

5 (d) "Commission" means the Michigan public service
6 commission.

7 (e) "Contested case" or "case" means a proceeding as defined
8 in section 3 of the administrative procedures act of 1969, ~~Act~~
9 ~~No. 306 of the Public Acts of 1969, being section 24.203 of the~~
10 ~~Michigan Compiled Laws~~ 1969 PA 306, MCL 24.203.

11 (f) "Educational institution" means a public educational
12 institution or a private non-profit educational institution
13 approved by the department of education to provide a program of
14 primary, secondary, or higher education, a public library, or a
15 nonprofit association or consortium whose primary purpose is
16 education. A nonprofit association or consortium under this sub-
17 division shall consist of 2 or more of the following:

18 (i) Public educational institutions.

19 (ii) Nonprofit educational institutions approved by the
20 department of education.

21 (iii) The state board of education.

22 (iv) Telecommunication providers.

23 (v) A nonprofit association of educational institutions or
24 consortium of educational institutions.

25 (g) "Energy management services" means a service of a public
26 utility providing electric power, heat, or light for energy use

1 management, energy use control, energy use information, and
2 energy use communication.

3 (h) "Exchange" means 1 or more contiguous central offices
4 and all associated facilities within a geographical area in which
5 local exchange telecommunication services are offered by a
6 provider.

7 ~~(i) "Handicapper" means a person who has 1 or more of the
8 following physical characteristics:~~

9 ~~(i) Blindness.~~

10 ~~(ii) Inability to ambulate more than 200 feet without having
11 to stop and rest during any time of the year.~~

12 ~~(iii) Loss of use of 1 or both legs or feet.~~

13 ~~(iv) Inability to ambulate without the prolonged use of a
14 wheelchair, walker, crutches, braces, or other device required to
15 aid mobility.~~

16 ~~(v) A lung disease from which the person's expiratory volume
17 for 1 second, when measured by spirometry, is less than 1 liter,
18 or from which the person's arterial oxygen tension is less than
19 60 mm/hg of room air at rest.~~

20 ~~(vi) A cardiovascular disease from which the person measures
21 between 3 and 4 on the New York heart classification scale, or
22 from which a marked limitation of physical activity causes
23 fatigue, palpitation, dyspnea, or anginal pain.~~

24 ~~(vii) Other diagnosed disease or disorder including, but not
25 limited to, severe arthritis or a neurological or orthopedic
26 impairment that creates a severe mobility limitation.~~

1 (I) ~~(j)~~ "Information services" or "enhanced services"
2 means the offering of a capability for generating, acquiring,
3 storing, transforming, processing, retrieving, utilizing, or
4 making available information, including energy management serv-
5 ices, that is conveyed by telecommunications. Information serv-
6 ices or enhanced services do not include the use of such capabil-
7 ity for the management, control, or operation of a telecommunica-
8 tions system or the management of a telecommunications service.

9 (J) ~~(k)~~ "Interconnection" means the technical arrangements
10 and other elements necessary to permit the connection between the
11 switched networks of 2 or more providers to enable a telecommuni-
12 cation service originating on the network of 1 provider to termi-
13 nate on the network of another provider.

14 (K) ~~(l)~~ "Inter-LATA prohibition" means the prohibitions on
15 the offering of inter-exchange or inter-LATA service contained in
16 the modification of final judgment entered pursuant to a consent
17 decree in United States v American Telephone and Telegraph Co.,
18 552 F. Supp. 131 (D.D.C. 1982), and in the consent decree
19 approved in United States v GTE Corp., 603 F. Supp. 730
20 (D.D.C. 1984).

21 (l) ~~(m)~~ "LATA" means the local access and transport area
22 as defined in United States v American Telephone and Telegraph
23 Co., 569 F. Supp. 990 (D.D.C. 1983).

24 (M) ~~(n)~~ "License" means a license issued pursuant to this
25 act.

26 (N) ~~(o)~~ "Line" or "access line" means the medium over
27 which a telecommunication user connects into the local exchange.

1 (O) ~~(p)~~ "Local calling area" means a geographic area
2 encompassing 1 or more local communities as described in maps,
3 tariffs, or rate schedules filed with and approved by the
4 commission.

5 (P) ~~(q)~~ "Local directory assistance" means the provision
6 by telephone of a listed telephone number within the caller's
7 area code.

8 (Q) ~~(r)~~ "Local exchange rate" means the monthly and usage
9 rate, including all necessary and attendant charges, imposed for
10 basic local exchange service to customers.

11 (R) ~~(s)~~ "Loop" means the transmission facility between the
12 network interface on a subscriber's premises and the main distri-
13 bution frame in the servicing central office.

14 (S) ~~(t)~~ "Operator service" means a telecommunication serv-
15 ice that includes automatic or live assistance to a person to
16 arrange for completion and billing of a telephone call originat-
17 ing within this state that is specified by the caller through a
18 method other than 1 of the following:

19 (i) Automatic completion with billing to the telephone from
20 which the call originated.

21 (ii) Completion through an access code or a proprietary
22 account number used by the person, with billing to an account
23 previously established with the provider by the person.

24 (iii) Completion in association with directory assistance
25 services.

26 (T) ~~(u)~~ "Operator service provider" or "OSP" means a
27 provider of operator service.

1 (U) ~~(v)~~ "Payphone service" means a telephone call provided
2 from a public, semipublic, or individually owned and operated
3 telephone that is available to the public and is accessed by the
4 depositing of coin or currency or by other means of payment at
5 the time the call is made.

6 (V) ~~(w)~~ "Person" means an individual, corporation, part-
7 nership, association, governmental entity, or any other legal
8 entity.

9 (W) "PERSON WITH DISABILITIES" MEANS A PERSON WHO HAS 1 OR
10 MORE OF THE FOLLOWING PHYSICAL CHARACTERISTICS:

11 (i) BLINDNESS.

12 (ii) INABILITY TO AMBULATE MORE THAN 200 FEET WITHOUT HAVING
13 TO STOP AND REST DURING ANY TIME OF THE YEAR.

14 (iii) LOSS OF USE OF 1 OR BOTH LEGS OR FEET.

15 (iv) INABILITY TO AMBULATE WITHOUT THE PROLONGED USE OF A
16 WHEELCHAIR, WALKER, CRUTCHES, BRACES, OR OTHER DEVICE REQUIRED TO
17 AID MOBILITY.

18 (v) A LUNG DISEASE FROM WHICH THE PERSON'S EXPIRATORY VOLUME
19 FOR 1 SECOND, WHEN MEASURED BY SPIROMETRY, IS LESS THAN 1 LITER,
20 OR FROM WHICH THE PERSON'S ARTERIAL OXYGEN TENSION IS LESS THAN
21 60 MM/HG OF ROOM AIR AT REST.

22 (vi) A CARDIOVASCULAR DISEASE FROM WHICH THE PERSON MEASURES
23 BETWEEN 3 AND 4 ON THE NEW YORK HEART CLASSIFICATION SCALE, OR
24 FROM WHICH A MARKED LIMITATION OF PHYSICAL ACTIVITY CAUSES
25 FATIGUE, PALPITATION, DYSPNEA, OR ANGINAL PAIN.

1 (vii) OTHER DIAGNOSED DISEASE OR DISORDER INCLUDING, BUT NOT
2 LIMITED TO, SEVERE ARTHRITIS OR A NEUROLOGICAL OR ORTHOPEDIC
3 IMPAIRMENT THAT CREATES A SEVERE MOBILITY LIMITATION.

4 (x) "Port" except for the loop, means the entirety of local
5 exchange, including dial tone, a telephone number, switching
6 software, local calling, and access to directory assistance, a
7 white pages listing, operator services, and interexchange and
8 intra-LATA toll carriers.

9 (y) "Reasonable rate" or "just and reasonable rate" means a
10 rate that is not inadequate, excessive, or unreasonably
11 discriminatory. A rate is inadequate if it is less than the
12 total service long run incremental cost of providing the
13 service.

14 (z) "Residential customer" means a person to whom telecom-
15 munication services are furnished predominantly for personal or
16 domestic purposes at the person's dwelling.

17 (aa) "Special access" means the provision of access service,
18 other than switched access service, to a local exchange network
19 for the purpose of enabling a provider to originate or terminate
20 telecommunication service within the exchange, including the use
21 of local private lines.

22 (bb) "State institution of higher education" means an insti-
23 tution of higher education described in sections 4, 5, and 6 of
24 article VIII of the state constitution of 1963.

25 (cc) "Telecommunication provider" or "provider" means a
26 person or an affiliate of the person each of which for
27 compensation provides 1 or more telecommunication services.

1 (dd) "Telecommunication services" or "services" includes
2 regulated and unregulated services offered to customers for the
3 transmission of 2-way interactive communication and associated
4 usage. A telecommunication service is not a public utility
5 service.

6 (ee) "Toll service" means the transmission of 2-way interac-
7 tive switched communication between local calling areas. Toll
8 service does not include individually negotiated contracts for
9 similar telecommunication services or wide area telecommunica-
10 tions service.

11 (ff) "Total service long run incremental cost" means, given
12 current service demand, including associated costs of every com-
13 ponent necessary to provide the service, 1 of the following:

14 (i) The total forward-looking cost of a telecommunication
15 service, relevant group of services, or basic network component,
16 using current least cost technology that would be required if the
17 provider had never offered the service.

18 (ii) The total cost that the provider would incur if the
19 provider were to initially offer the service, group of services,
20 or basic network component.

21 (gg) "Wide area telecommunications service" or "WATS" means
22 the transmission of 2-way interactive switched communication over
23 a dedicated access line.

24 Sec. 304b. (1) A provider of basic local exchange service
25 shall develop and offer various rate plans that reflect residen-
26 tial customer calling patterns that shall include, but not

1 limited to, all of the following at the option of the customer
2 unless it is not technologically feasible:

3 (a) A flat rate allowing unlimited personal and domestic
4 outgoing calls.

5 (b) A flat rate allowing personal and domestic outgoing
6 calls up to 400 calls per month per line. Calls in excess of 400
7 per month may be charged at an incremental rate as set by the
8 provider under section 304. If a customer has more than 1 line
9 at the same location that appears on the customer's bill, the
10 allowable calls under this subdivision shall be the aggregate of
11 all the lines regardless from which line the calls originate. A
12 person WITH DISABILITIES OR who is ~~handicapped or is~~ volun-
13 tarily providing a service for an organization classified by the
14 internal revenue service as a section 501(c)(3) or (19) organiza-
15 tion, or a congressionally chartered veterans organization or
16 their duly authorized foundations, is exempt from the 400 calls
17 per month limitation and shall receive a flat rate allowing
18 unlimited calls per month. A person exempt from the call cap
19 under this subdivision shall not be charged a rate greater than
20 the flat rate charged other residential customers for 400 calls.

21 (c) A flat rate allowing personal and domestic outgoing
22 calls of not less than 50 nor more than 150 per month, per line.
23 Providers may offer additional plans allowing personal and domes-
24 tic outgoing calls of not less than 150 per month nor more than
25 400 per month, per line. Calls in excess of upper per call limit
26 per month may be charged at an incremental rate as set by the
27 provider under section 304. If a customer has more than 1 line

1 at the same location that appears on the customer's bill, the
2 allowable calls under this subdivision shall be the aggregate of
3 all the lines regardless from which line the calls originate.

4 (d) A rate determined by the time duration of service usage
5 or the distance between the points of service origination and
6 termination.

7 (e) A rate determined by the number of times the service is
8 used.

9 (f) A rate that includes 1 or more of the rates allowed by
10 this section.

11 (g) A rate that includes toll-free calling to contiguous
12 Michigan local calling exchanges.

13 (2) If an option required under subsection (1) is not being
14 offered by the provider on January 1, 1996, the provider shall
15 set the initial rate for the option.

16 (3) A provider who, together with any affiliated providers,
17 provides basic local exchange service or basic local exchange and
18 toll service to less than 250,000 end-users in this state is not
19 required to provide a rate plan required under subsection (1) if
20 it is not economically feasible to provide the rate plan.